



Docket No.: 1567.1020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Note the Application of:

Jae-Phil CHO, et al.

Group Art Unit: 1745

Serial No. 10/091,335

Examiner: Stephen J. Kalafut

Filed: March 6, 2002

Confirmation No: 7050

For: ACTIVE MATERIAL FOR BATTERY AND METHOD OF PREPARING SAME

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Office Action mailed August 18, 2004 in which the Examiner states that claims 1-40, 42-45, 47, and 48 are distinguishable since the claims require a conductive agent and a dispersant be present as part of electrodes. It is respectfully submitted that the Examiner's statement is not consistent with the claimed invention. By way of example, claim 1 recites an active material "for use in an electrode" and does not require that the active material be included in the electrode.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

It further is submitted that the claims are not constrained by such limitations and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

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